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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,726	01/05/2004	Bon S. Ong	T-4252	1417

7590 07/13/2004

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EXAMINER

CARTER, MONICA SMITH

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/750,726

Applicant(s)

ONG, BON S.

Examiner

Monica S. Carter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/5/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 recites the limitation "said spine fold" in line 3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ong (5,727,816) in view of Podosek (5,947,524).

Ong discloses a report cover (14) comprising a plurality of sheets of paper disposed one atop another to form a stack (12) having top (20) and bottom (22) sheets and defining a binding edge (24) of the stack, an opposite edge (26) of the stack parallel to the binding edge, and a narrow binding margin (28) on the stack adjacent to the binding edge (as seen in figure 4); a document binder (14) formed of a single sheet of flat, expansive material (see col. 5, lines 23-25), folded to delineate a plurality of panels including a back binding panel (38) located beneath the stack and extending beneath the binding margin, a narrow binding panel (32) joined to the back binding panel (via

panel 36) and residing above the stack and the narrow binding margin and having a width no greater than the width of the binding margin (as seen in figure 4), a binding return panel (34) joined to the narrow binding panel at a return fold (42) and located beneath the narrow binding panel and projecting from the return fold back toward the binding edge of the stack, and a top binding panel (30) located atop the stack above the top sheet and beneath the binding return panel and extending from the proximity of the binding edge of the stack across the top sheet to at least the opposite edge of the stack (as seen in figure 4).

Ong discloses fasteners in the form of wire staples (16) passing through the top sheet and bottom sheet of the stack within the binding margin of the stack and also through the return panel and top cover panel. Ong discloses the claimed invention except for a stiff, resilient, elongated channel-shaped clasp as claimed to clamp the sheets of paper together between the top and back binding panels of the document binder.

Podosek discloses a cover folder (11) comprised of a binder (13) and a cover (15), the cover being slidably and removably mounted within the binder. The binder is an elongated channel shaped member formed with a pair of jaws (21, 23) joined together and projecting outwardly from their junction to define a gap therebetween (as seen in figure 4a), and at least one of the jaws terminating in a hooked lip (29, 31), and the inserting a binding edge of the stack into the gap so that the hooked lip is engaged with the cover (as seen in figure 1) to restrict relative movement between the clasp and the stack in a direction perpendicular to the binding edge and having a sufficient

thickness so that the jaws clamp the sheets of paper together (as seen in figure 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ong's device to include a clamp slidably and removably mounted on the report cover, as taught by Podosek, since Podosek shows that clamps and staples are equivalent structures known in the art. Because these two fasteners were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the clasp for the staples.

Regarding claim 2, Ong, as modified by Podosek, discloses each of the jaws of the clasp terminating in a hooked lip (29, 31) as aforesaid.

Regarding claim 3, Ong, as modified by Podosek, discloses the binding return panel being secured to the top binding panel in face-to-face relationship between the return fold and the spine fold (as seen in figure 5 of Ong).

Regarding claims 4 and 5, Ong, as modified by Podosek, discloses securing the top and return panels together throughout the width of the binding margin in the stack by a layer of adhesive interposed therebetween (as seen in figures 7, 10 and 13).

Regarding claim 6, Ong discloses a report cover (14) comprising a plurality of sheets of paper disposed one atop another to form a stack (12) having top (20) and bottom (22) sheets and defining a binding edge (24) of the stack, an opposite edge (26) of the stack parallel to the binding edge, and a narrow binding margin (28) on the stack adjacent to the binding edge (as seen in figure 4); a binding (14) for the stack formed of a single, expansive sheet of material (see col. 5, lines 23-25) and including top (30) and bottom (38) face panels overlying the top and bottom sheet of the stack

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and joined by at least one spine fold (44) located at and parallel to the binding edge of the stack, a narrow binding panel (32) joined to the back binding panel (via panel 36) and residing above the stack and the narrow binding margin and having a width no greater than the width of the binding margin (as seen in figure 4), a return panel (34) joined to the narrow binding panel at a return fold (42) and located beneath the narrow binding panel and projecting from the return fold back toward the binding edge of the stack, and a top binding panel (30) located atop the stack above the top sheet and beneath the binding return panel and extending from the proximity of the binding edge of the stack across the top sheet to at least the opposite edge of the stack (as seen in figure 4).

Ong discloses fasteners in the form of wire staples (16) passing through the top sheet and bottom sheet of the stack within the binding margin of the stack and also through the return panel and top cover panel. Ong discloses the claimed invention except for a stiff, resilient, elongated channel-shaped clasp as claimed to clamp the sheets of paper together between the top and back binding panels of the document binder.

Podosek discloses a cover folder (11) comprised of a binder (13) and a cover (15), the cover being slidably and removably mounted within the binder. The binder is an elongated channel shaped member formed with a pair of jaws (21, 23) joined together and projecting outwardly from their junction to define a gap therebetween (as seen in figure 4a), and at least one of the jaws terminating in a hooked lip (29, 31), and the inserting a binding edge of the stack into the gap so that the hooked lip is engaged

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with the cover (as seen in figure 1) to restrict relative movement between the clasp and the stack in a direction perpendicular to the binding edge and having a sufficient thickness so that the jaws clamp the sheets of paper together (as seen in figure 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ong's device to include a clamp slidably and removably mounted on the report cover, as taught by Podosek, since Podosek shows that clamps and staples are equivalent structures known in the art. Because these two fasteners were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the clasp for the staples.

Regarding claim 7, Ong, as modified by Podosek, discloses both of the jaws of the clasp being provided with hooked lips (29, 31) as set forth above.

Regarding claim 8, Ong, as modified by Podosek, discloses the return panel and the top face panel being secured to each other above the binding margin (as seen in figure 5).

Regarding claim 9, Ong discloses a report cover (14) comprising a plurality of sheets of paper disposed one atop another to form a stack (12) having top (20) and bottom (22) sheets and defining a binding edge (24) of the stack, an opposite edge (26) of the stack parallel to the binding edge, and a narrow binding margin (28) on the stack adjacent to the binding edge (as seen in figure 4); a document binder (14) for the stack formed of a single sheet of flat material (see col. 5, lines 23-25) folded to delineate a plurality of panels including a top binding panel (30) and bottom (38) face panels overlying the top and bottom sheet of the stack and joined by at least one spine fold

(44) located at and parallel to the binding edge of the stack, a narrow binding panel (32) joined to the back binding panel (via panel 36) and residing above the stack and the narrow binding margin and having a width no greater than the width of the binding margin (as seen in figure 4), a return panel (34) joined to the narrow binding panel at a return fold (42) and located beneath the narrow binding panel and projecting from the return fold back toward the binding edge of the stack, and a top binding panel (30) located atop the stack above the top sheet and beneath the binding return panel and extending from the proximity of the binding edge of the stack across the top sheet to at least the opposite edge of the stack (as seen in figure 4).

Ong discloses fasteners in the form of wire staples (16) passing through the top sheet and bottom sheet of the stack within the binding margin of the stack and also through the return panel and top cover panel. Ong discloses the claimed invention except for a stiff, resilient, elongated channel-shaped clasp as claimed to clamp the sheets of paper together between the top and back binding panels of the document binder.

Podosek discloses a cover folder (11) comprised of a binder (13) and a cover (15), the cover being slidably and removably mounted within the binder. The binder is an elongated channel shaped member formed with a pair of jaws (21, 23) joined together and projecting outwardly from their junction to define a gap therebetween (as seen in figure 4a), and at least one of the jaws terminating in a hooked lip (29, 31), and the inserting a binding edge of the stack into the gap so that the hooked lip is engaged with the cover (as seen in figure 1) to restrict relative movement between the clasp and



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the stack in a direction perpendicular to the binding edge and having a sufficient thickness so that the jaws clamp the sheets of paper together (as seen in figure 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ong's device to include a clamp slidably and removably mounted on the report cover, as taught by Podosek, since Podosek shows that clamps and staples are equivalent structures known in the art. Because these two fasteners were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the clasp for the staples.

Regarding claims 10-12, Ong, as modified by Podosek, discloses the return panel having upwardly and downwardly facing surfaces and being secured by adhesive or heat sealing to the top face panel throughout the length of the narrow binding margin on the stack (as seen in figures 7, 10 and 13 and col. 7, lines 4-14).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references disclose report covers with slide bars.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica S. Carter whose telephone number is (703) 305-0305. The examiner can normally be reached on Monday-Thursday (6:30 AM - 4:00 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (703) 308-2159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 9, 2004

*Monica S. Carter*  
**MONICA S. CARTER**  
**PRIMARY EXAMINER**